

***United States Court of Appeals
for the Second Circuit***



APPENDIX

ORIGINAL

74-1388

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United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,

Appellee,

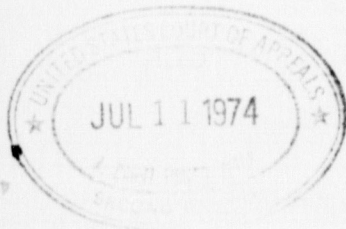
-against-

CIRO RODRIGUEZ CALANA,

Defendant-Appellant.

*On Appeal From The United States District
Court For The Southern District Of New York*

Appellant's Appendix



HUDSON H. REID
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(212) 571-0575

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| | | PLAINTIFF | DEFENDANT |
| 1 | RAUL ORTEGA-ALVAREZ, a/k/a Raul Ortega-Cts. 1, 2, 3 | | |
| 2 | CIRO RODRIGUEZ-CALANA, a/k/a <u>Ciro A. Calana</u> , a/k/a <u>Ciro Rodriguez</u> -162 | | |
| 3 | FRANCISCA ORTEGA-RODRIGUEZ, a/k/a <u>Francisca Rodriguez</u> , a/k/a <u>Paca</u> -Ct. 1 | | |
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| 6 | JOAQUIN R. PRADA, a/k/a <u>El Gardego</u> , a/k/a <u>El Gallego</u> -1612 | | |
| 7 | HECTOR ECHEVARRIA, a/k/a <u>Liborio Morales</u> , a/k/a <u>Hector Arnold Echevarria</u> -Ri. | | |
| 8 | CHARLES BUSIGO-CIFRE, a/k/a <u>Charley Busigo</u> , <u>Charley Cifre</u> , a/k/a <u>Cifire</u> -165 | | |
| 9 | DOMINGO DEL CRISTO-166 | | |
| 10 | ARMANDO GARCIA-ALVAREZ, a/k/a <u>Armando Garcia</u> , a/k/a <u>Armando Alavarez</u> , a/k/a <u>Andres Alvarez</u> , a/k/a <u>Joaquin Gonzalez</u> , a/k/a <u>El Chino</u> -168 | | |
| 11 | JOHN DOE, a/k/a <u>Hugo El Americano</u> , a/k/a <u>Hugo Contero Viera</u> , a/k/a <u>Hugo Viera</u> -169 | | |
| 12 | JOSE LUIS SARRIA, a/k/a <u>Pepito</u> , a/k/a <u>Pepe</u> , a/k/a <u>Carlos Hernandez</u> -1610 | | |
| 13 | JOHN DOE, a/k/a <u>Roberto</u> -1 | | |
| 14 | JOSE OTERO, a/k/a <u>Pepe</u> -1614 | | |
| 15 | FRANCISCO ORLANDO PEREZ, a/k/a <u>Francisco Perez</u> , a/k/a <u>Paco</u> , a/k/a <u>Jose</u> -167 | | |
| 16 | ORLANDO GIL, a/k/a <u>Joaquin Gil</u> , a/k/a <u>Joaquin Orlando Gil y Montero</u> , a/k/a <u>Luis Francisco Gil</u> -167 | | |
| 17 | Cirillo Figueroa, a/k/a <u>Lazarito</u> , a/k/a <u>Lazaro</u> , <u>El Guajiro</u> -1611 | | |
| 18 | RIGOBERTO ROSAL-RODRIGUEZ, a/k/a <u>Blaco Serra</u> , a/k/a <u>Blanquito Serra</u> , a/k/a <u>rigo</u> , a/k/a <u>Rigo Rosal</u> , a/k/a <u>Roberto</u> -1613 | | |
| 19 | JOSE RAMIREZ-RAMOS, a/k/a <u>Jose Ramirez</u> , a/k/a <u>Chevas</u> -1615 | | |
| 20 | JOHN DOE, a/k/a <u>Roberto Lopez</u> -1616 | | |
| 21 | JOSE ANGEL AGUILERA, a/k/a <u>Jose Alberto Aguilera</u> , a/k/a <u>El Moro</u> , a/k/a <u>Mauro</u> , a/k/a <u>Moscoso</u> -1617 | | |
| 22 | CARLOS TAPANES, a/k/a <u>Charlie</u> -Ct. 1 | | |

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| DATE | PROCEEDINGS |
|------------|--|
| Jan. 15-74 | ECHEVERRIA - (att. present) and interpreter appearing on a writ, pleads not guilty. also was included a bail application which is denied. Writ adjourned to 2/20/74. Deft. returned. - Metzner, J. |
| Jan. 25-74 | Filed one sealed envelope. Enclosed is an affdt. which was submitted by the govt. pursuant to the court's direction that it explain why it would not divulge the names of witnesses. The court has read the affdt. and finds it sufficient to support the govt's position. This affdt. shall be sealed and delivered to the Clerk of the Court and not opened until further order of the court. So ordered. Metzner, J. (cashier, rm. 602). |
| Jan. 28-74 | Filed Affidavit in Opposition to Deft's. Motions. |
| Jan. 28-74 | Filed Govt. Bill of Particulars |
| Jan. 30-74 | Filed Affidavit for W/H/C Ad Pros. (CIRILLO FIGUEROA) |
| Jan. 30-74 | OTERO - Filed Affidavit for W/H/C AD PROS. |
| Jan. 30-74 | HECTOR ECHEVERRIA - Filed CJA 21 Authorization for Interpreter, original mailed AO Wash. D. C. - Metzner, J. |
| Jan. 30-74 | HECTOR ECHEVERRIA - Filed CJA 21 Approval of payment to Gerardo Sanchez, Interpreter. |
| Feb. 4-74 | ECHEVERRIA - Filed CJA 20 Appointment of Robert Mitchell, 51 Chambers T., N.Y. 10007 (original mailed to AO Wash.D.C.) |
| Feb. 5-74 | ECHEVERRIA - Filed CJA 21 Authorization for Interpreter - Gerardo Sanchez -- (original mailed to A.O. Wash.D.C.) - Metzner, J. |
| Feb. 6-74 | ECHEVERRIA - Filed CJA 21 approving payment of interpreter - Metzner, J. |
| Feb. 22-74 | Motion to dismiss as to Carlos Tapanas is granted. - Metzner, J. |
| Feb. 8-74 | ECHEVERRIA - Filed CJA 21 Filed Authorization for Interpreter - Metzner, J. |
| Feb. 8-74 | ECHEVERRIA - Filed CJA 21 Authorization approving payment of interpreter Gerardo Sanchez, 717 W. 177 St., N.Y. (original mailed to AO Wash.D.C.) |
| Feb. 15-74 | Filed CHARLES BUSIGO CIFRE - Second Offender Information |
| Feb. 15-74 | DOMINGO DEL CRISTO - Filed Second Offender Information |
| Feb. 19-74 | HECTOR ECHEVERRIA - Filed Motion to Request Disqualification of Trial. Motion to request change of venue, Motion requesting adjournment and or Severance. |
| Feb. 19-74 | HECTOR ECHEVERRIA - Filed CJA 21 Authorization of Interpreter - Metzner, J. Original mailed to AO Wash.D.C.) |
| Feb. 19-74 | HECTOR ECHEVERRIA - Filed Copy of CJA 21 approving payment of Interpreter Norma Seltzer, 20 E. 35th St. N.Y. |
| Feb. 20-74 | JORGE INFESTA - Filed Notice of Appearance of John O'Connor, 2401 E. Tremont Av. Bronx, N.Y. 10461 (TA-4-7260) |
| Feb. 20-74 | DOMINGO DEL CRISTO - Filed Financial Affidavit |

| DATE | PROCEEDINGS |
|-----------|--|
| Feb.19-74 | ORLANDO GILL with his interpreter and atty present) signs waiver of indictment and Pleads GUILTY to an information #74Cr.180 - Plea Accepted - Metzner, J. |
| Feb.20-74 | RAUL ORTEGA ALVAREZ & HECTOR ECHEVARRIA - through their interpreters plead Not Guilty by reason of Double Jeopardy. The remaining defendants through their interpreters plead NOT GUILTY. The following pleaded NOT GUILTY CIRO RODRIGUEZ CALANA FRANCISCA ORTEGA RODRIGUEZ JORGE INFESTA CHARLES BUSICO-CIFRE DOMINGO DEL CRISTO ARMANDO ALVAREZ ELIAS HUGO VIERA(Substituted for "JOHN DOE a/k/a HUGO EL AMERICANO ETC.) JOSE OTERO CIRILLO FIGUEROA ROGEBERTO ROSAL RODRIGUEZ JOSE ANGEL AGUILERA The defendant JOACHIM R. PRADA appears in Court on a writ is severed from this indictment. Following names of interpreters GERATO SANCHEZ LENA JASLOW NELIDA HUGHS JOELLE McCALL MELVIN QUINONES The following defendants appeared in court on a WRIT CIRILLO FIGUEROA HECTOR ECHEVARRIA RIGOBERTO ROSAL RODRIGUEZ JOSE OTERO Jury empaneled and sworn -X Trial Begun |
| Feb.20-74 | Trial Begun |
| Feb.22-74 | RAUL ORTEGA-ALVAREZ - Courts Exhibits received, ordered sealed - Metzner, J. |
| Feb.25-74 | HECTOR ECHEVARRIA - Filed true copy from U.S.C.A. for leave to proceed in forma pauperis to for a writ of mandamus - Anderson,Mansfield,Oakes,J. |
| Feb.22-74 | Filed Memo-endorsed on HECTOR ECHEVARRIA'S Motion dtd 2/19/74--This motion was denied record in open court. So ordered - Metzner, J. (m/n) |
| Feb.25-74 | JORGE INFESTA - Filed CJA Approving payment of Counsel John Connor. 2401 E.Tremont Bronx,N.Y.-Metzner,J. |
| Feb.27-74 | RAUL ORTEGA ALVAREZ - Filed memo-endorsed on Motion--Motion denied with leave to renew at xvm end of the governments case. So ordered - Metzner, J. |
| Feb.27-74 | Filed one envelope ordered sealed by the Court.Metzner, J. |
| Mar.1-74 | Filed Envelope Court Ordered Sealed w/Cashier--Metzner,J. |
| Mar.1-74 | Filed Affidavit for Writ of Habeas Corpus AD Testificandum Issue. |
| Mar.1-74 | Filed Petition for Writ of Habeas Corpus AD Testificandum to produce Nelson |

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METZNER, J.

| DATE | PROCEEDINGS |
|---------|--|
| 2-20-74 | Trial Severed as to JOAQUIN R. PRADA, and continued as to: RAUL ORTEGA ALVAREZ; CIRO RODRIGUEZ CALANA; FRANCISCA ORTEGA RODRIGUEZ; JORGE INFESTA; HECTOR ECHEVARRIA; CHARLES BUSIGO CIFRE; DOMINGO DEL CRISTO; ARMANDO ALVAREZ; ELIAS HUGO VIERA; JOSE ORTERO; CIRILLO FIGUEROA; RIGOBERTO ROSAL RODRIGUEZ; JOSE ANGEL AGUILERA— METZNER, J. |
| 2-21-74 | Trial continued. Gustave Hoffman (interpreter) sworn - Metzner, J. |
| 2-22-74 | Trial continued. |
| 2-25-74 | Trial continued. Juror #9 has been excused from any further service in this matter and alternate Juror #1 is now sworn and replaces Juror #9. - Metzner, J. |
| 2-26-74 | Trial continued. Miss Enid Pagan (interpreter) sworn. The witness MIGUEL RODRIGUEZ having been brought to Court on a writ of H/C. - Writ Satisfied- Metzner, J. |
| 2-27-74 | Trial continued. Alternate Juror #5, excused from any further service in this issue with consent of the defense counsel - Metzner, J. |
| 2-28-74 | Trial continued - Metzner, J. |
| 2-27-74 | CIRILLO FIGUEROA - Filed CJA 21 - Authorization of Transcript - Metzner, J. (original mailed to ADM. Off. Wash. D.C.) |
| 2-27-74 | JOSE ANGEL AGUILERA - Filed CJA 21 - Authorization of Transcript - Metzner, J. |
| 2-27-74 | HUGO ORTERO VIERA - Filed CJA 21 - Authorization of Payment of Transcript for Trial Metzner, J. (original mailed to AO Wash. D.C.) |
| 2-27-74 | HECTOR ECHEVARRIA - Filed CJA 21 - Authorization of Payment of Transcript for Trial Metzner, J. (original mailed to AO Wash. D.C.) |
| 2-7-74 | RODRIGUEZ, FRANCISCA & CIRO Rodriguez Calana - Filed Motion for Issuance of Subpoena Metzner, J. |
| 3-1-74 | Trial continued - Metzner, J. |
| 3-4-74 | Trial continued |
| 3-5-74 | Trial continued Emma Tolmach sworn in as interpreter - Metzner, J. |
| 3-6-74 | Trial continued- Interpreter Norma Seltzer and Margarita Mensa duly sworn. Deft. RAMIRO GONZALEZ Appeared in Court on a writ. The record also show that Defts. ECHEVARRIA-RIGOBERTO ROSAL RODRIGUEZ-CIRILLO FIGUEROA and JOSE ORTERO have all been appearing in Court on writs. - Metzner, J. |
| 3-7-74 | Trial continued - Interpreter Jacqueline Montague - Trial adjourned to 3/11/74 - Metzner, J. |
| 3-7-74 | CIRO RODRIGUEZ-CALANA and FRANCISCA ORTEGA RODRIGUEZ - Filed Motion for Issuance of Subpoena |
| 3-13-74 | Filed Affidavit for Writ of Habeas Corpus ad Testificandum Issue. |
| 3-14-74 | Filed-ELIAS HUGO VIERA - MEMORANDUM OF LAW |
| 3-14-74 | Filed-DOMINGO DEL CRISTO - Motion for Judgment of Acquittal and Memorandum of Law. |

| DATE | PROCEEDINGS |
|------------|--|
| 3-14-74 | RIGOBERTO ROSAL RODRIGUEZ - Filed Memorandum of Law |
| 3-14-74 | ARMANDO GARCIA ALVAREZ et al. - Filed Memorandum of Law |
| 3-14-74 | RAUL ORTEGA-ALVAREZ et al - Filed Memorandum of Law. |
| 3-14-74 | CHARLES BUSIGO CIPRE - Memorandum of Law |
| 3-14-74 | Filed Government Memorandum of Law. |
| 3-14-74 | JOSE ANGEL AGUILERA - Filed Memorandum of Law, for Judgment of Acquittal |
| 3-14-74 | HECTOR ECHEVERRIA - Filed Memorandum of Law |
| 3-14-74 | Filed Govt. Affidavit in Response Deft. Echeverria's Motion. |
| 3-14-74 | Filed CIRIDO FIGUEROA - JOSE OTERO - Filed Defts. Memorandum of Law. |
| 3-15-74 | RAUL ORTEGA ALVAREZ - Filed Deft's Requests to Charge |
| 3-15-74 | HECTOR ECHEVERRIA - Filed Motion to Requests to Charge. |
| 3-15-74 | CIRO RODRIGUEZ-CALANA and FRANCISCA ORTEGA RODRIGUEZ - Filed Defts' Request to Charge. |
| 3-15-74 | ARMANDO GARCIA ALVAREZ - Requests to Charge on behalf of the Deft. |
| 3-15-74 | JOSE ANGEL AGUILERA - Filed Requests to Charge |
| 3-15-74 | " " " " Additional Requests to Charge |
| 3-15-74 | CHARLES BUSIGO CIPRE - Filed Deft's Request to Charge. |
| 3-15-74 | Filed Govt's Requests to Charge. |
| 3-11-74 | Trial Continued - Hearing on motion to suppress as to Raul Ortega Alvarez. Hearing Held - Motion denied. Trial continued - Govt. Rests - METZNER, J. |
| 3-13-74 | Motion to dismiss count Nine as to <u>Eugene Elias Viera</u> is granted |
| " | Motion to dismiss Counts ONE and THIRTEEN as to <u>RIGOBERTO ROSAL RODRIGUEZ</u> is granted |
| Mar 14-74 | Trial Continued - Metzner, J. |
| 3-19-74 | Filed Copy submitted from S.D. of Florida - Hearing on Plea |
| 3-19-74 | Filed copy of U.S.C.A 2nd Circuit Petition for a Writ of Mandamus and Prohibition. |
| 3-19-74 | Filed CIPRE & ALVAREZ - Govt. Memorandum of Law |
| 3-19-74 | Filed Go at. Memorandum of Law |
| 3-19-74 | Filed Govt's Proposed Examination of Prospective Jurors. |
| Mar. 20-74 | Filed one envelope sealed by order of the court, Metzner, J. |

| DATE | PROCEEDINGS |
|-----------|--|
| Mar-15-74 | Trial Continued |
| Mar-18-74 | Trial continued. The Court strikes from this indictment Overt Acts #23 and #31. All summations completed - Metzner, J. |
| Mar-19-74 | Trial continued. Jurors requested - Metzner, J. |
| Mar-20-74 | Trial continued - Jurors continue to deliberate. Jurors return verdict. VERDICT: RAUL ORTEGA - GUILTY on counts 1, 2 & 3. Bail continued. Presentence report ordered. Sentence April 22/1974. See minutes of proceedings as to bail conditions. CHARLES BUSIGO CIFRE - GUILTY on counts 1. Not guilty on Ct. 5. Presentence report ordered. Sentence April 22, 1974. <u>DEFENDANTS REMANDED</u> ARMANDO ALVAREZ - GUILTY on Counts 1 & 8. Bail increased to \$15,000.00 defendant has to Friday Mar. 22, 1974 at 12 Noon to post increased bail. Presentence report ordered. Sentence April 22, 1974. See minutes of proceedings as to Bail conditions JOSE OTERO - GUILTY on Counts 1 and 14. Presentence report ordered. Sentence April 22, 1974. Defendant produced in Court on a Writ. CIRILO FIGUEROA - GUILTY on Counts 1 and 11. Presentence report ordered. Sentence April 22, 1974. Defendant produced in Court on a Writ. JORGE INFLESTA - GUILTY on counts 1 and 3. Presentence report ordered. Sentence April 22, 1974. See minutes of proceedings as to bail conditions. DOMINGO DEL CRISTO - GUILTY ON counts 1 and 6. Presentence report ordered. Sentence April 22, 1974 - <u>DEFENDANT REMANDED</u> CIRIO RODRIGUEZ CALANA - GUILTY on Counts 1 and 2. Presentence report ordered. Sentence April 22, 1974 - See minutes of proceedings as to bail conditions. FRANCISCA RODRIGUEZ CALANA - NOT GUILTY on Count 1. HUGO VIERA - NOT GUILTY on Ct. 1. Defendant exonerated from bail. JOSE AGUILERA - NOT GUILTY on Ct. 1 and Ct. 17. HECTOR ECHEVARRIA - NOT GUILTY Counts 1 and 4. Defendant produced in Court on a Writ - METZNER, J. Mar-21-74 CHARLES BUSIGO CIFRE and DOMINGO DEL CRISTO - Filed ORDER - Defts were found GUILTY and face mandatory minimum sentence of 10 yrs. as second offenders. Both Defts. remanded w/o bail pending sentence.....METZNER, J. Mar-20-74 RAUL ORTEGA - Filed Letter dtd 3/1/74 from Morton M. Schwartzman, M.D. 555 Biltmore Way, Coral Gables, Fla. 33134. (re: Children) Mar-20-74 Filed Court Exhibit 12 Verdict as written by Jurors. 3-25-74 JOSE OTERO - Filed ORDER that the Warden in Federal House of Detention grant permission to defendant to marry NANCY M. AUGIER upon presentment of a duly authorized clergyman at a time permitted by institution and consented by U.S. Atty. |

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METZNER, J.

| DATE | PROCEEDINGS |
|---------|--|
| 3-22-74 | Filed (ARMANDO ALVAREZ) Appearance Bond sum of \$15,000.00 |
| 3-27-74 | Filed for deft. DEL CRISTO - Affidavit and Notice of Motion for Judgment of Acquittal returnable 3/29/74 at 10AM. |
| 3-27-74 | JUAN CONTRERAS - Filed Writ of Habeas Corpus Ad Testificandum Issue. |
| 4-12-74 | Filed Government Affidavit in opposition to Raul Ortega Alvarez's motion for the conspiracy charge in Count 1 of Indt. etc. |
| 4-16-74 | Filed Transcript of record of proceedings dtd. 2/20,21,22,25,1974 |
| 4-16-74 | " " " " " " " " 2/26,27,28, 3/1,4,5,1974 |
| 4-16-74 | " " " " " " " " 3/14,15,18,19 and 20 1974 |
| 4-16-74 | " M " " " " " " 3/6,7,11,12,13,1974 |
| 4-1-74 | JOSE RAUTREZ - Filed PRB w/o Security in the sum of \$5,000 - Metzner, J. |
| 4-17-74 | RAUL ORTEGA ALVAREZ - Filed Memo-endorsed on Affidavit dtd 4/12/74 -- As indicated Court denied deft.'s motion for a directed judgment of acquittal -- No affidavits were submitted to support the deft's contention. Rather, reference is made in counsel's brief to the transcript of the change of plea and sentence, all of which occurred on the same day. There was nothing in this transcript that would warrant holding of an evidentiary hearing. Motion denied. So ordered - METZNER, J. (m) |
| 4-22-74 | DOMINGO DEL CRISTO - The deft. admits to the 2nd offender information - Metzner, J. |
| 3-27-74 | DOMINGO DEL CRISTO - Filed Notice of Motion for a Judgment of Acquittal returnable 3/29/74 |
| 4-22-74 | and Memo-endorsed -- Motion denied So ordered - METZNER, J. (m/n) |
| 4-22-74 | JOSE OTERO - Filed CJA Authorization of Joell McCall, Interpreter 300 E. 40th St., N.Y. (original mailed AO Wash.D.C.) |
| 4-22-74 | Filed CJA 21 Approving authorization on the above -- METZNER, J. |
| 4-22-74 | Filed (ORTEGA ET AL) CJA Authorization of Jacqueline Montague, 209 E. 56th St., N.Y. (original mailed AO Wash.D.C.) |
| 4-22-74 | Filed Copy of CJA 21 Approving payment on the above -- Metzner, J. |
| 4-22-74 | Filed CJA 21 -- JOSE OTERO, CIRILLO FIGUEROA -- Authorization of Interpreter Emma Tolman 7 Davison St., E. Rockaway, N.Y. (original mailed to AO Wash.D.C.) |
| 4-22-74 | Filed Copy of CJA 21 on the above approving payment (METZNER, J.) |
| 4-22-74 | Filed CJA 21 for OTERO & FIGUEROA - Authorization of Interpreter - Yolanda Francesconi 201 Lafayette Av., Bx, N.Y. (original mailed to AO Wash.D.C.) |
| 4-22-74 | Filed Copy of CJA 21 on above approving payment -- Metzner, J. |
| 4-22-74 | JOSE OTERO - Filed CJA 21 Authorization of Interpreter - Joseph I. Stone, 277 Bway, N.Y. (original filed AO Wash.D.C.) |
| 4-22-74 | Filed Copy of CJA 21 Approving payment on the above -- METZNER, J. |
| 4-22-74 | HECTOR ECHEVERRIA - Filed CJA 21 Authorization of Interpreter Leonardo Vidal, 188 St., N.Y. (original mailed to AO Wash.D.C.) |
| 4-22-74 | Filed Copy of CJA 21 approving payment on the above - Metzner, J. |

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ALVAREZ ET AL.

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METZNER, J.

| DATE | PROCEEDINGS |
|---------|---|
| 4-22-74 | CIRO RODRIGUEZ CALANA - Filed Notice of Appeal to U.S.C.A. 2nd Circuit from Judgment dated 4/22/74 as to sentence imposed. (mailed to Deft. 14-1/2 Third St., Elizabeth, N.J., U.S. Atty's Office. |
| 4-22-74 | ARMANDO ALVAREZ - Filed Notice of Appeal to U.S.C.A. 2nd Circuit from Judgt. entered on sentence imposed. mailed to Armando Alvarez 2431 SW 77 ct. Miami, Fla., U.S.A. |
| 4-22-74 | ARMANDO ALVAREZ - Filed Personal Recognizance Bond pending appeal, sum of \$50,000 Public Service Mutual Ins. Co. |
| 4-22-74 | ARMANDO ALVAREZ - Filed Personal Recognizance Bond pending appeal, sum of \$75,000. |
| 4-23-74 | JORGE INFESTA - Filed Notice of Appeal to U.S.C.A. from final Judgment 4/22/74 copies mailed to Deft. F.H. of Detention, 427 W. St., N.Y. and U.S. Atty. |
| 4-23-74 | DOMINGO DEL CRISTO - Filed Notice of Appeal to U.S.C.A. from the final Judgment entered 4/22/74 - Copies mailed to Deft. Fed. House of Det. 427 W. St., N.Y., U.S.A. |
| 4-24-74 | DOMINGO DEL CRISTO - Filed Personal Recognizance Bond pending appeal in the sum of \$25,000.00 secured by \$2,500.00 Cash. |
| 4-22-74 | CIRO RODRIGUEZ CALANA - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of SIX (6) YEARS on each counts (1) and (2) to run concurrently with each other - METZNER, J. (copies issued) |
| 4-22-74 | JORGE INFESTA - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of EIGHT (8) YEARS on each of counts (1) and (3) to run concurrently with each other. METZNER, J. (copies issued) |
| 4-22-74 | DOMINGO DEL CRISTO - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of TEN (10) YEARS on each of counts (1) and (6) to run concurrently with each other - METZNER, J. (copies issued) |
| 4-22-74 | ARMANDO ALVAREZ - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of EIGHT (8) YEARS on each of counts (1) and (8) to run concurrently with each other - METZNER, J. (copies issued.) |
| 4-22-74 | JOSE OTERO - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of FIVE (5) YEARS on each of counts (1) and (14) to run concurrently with each other, and to commence upon completion of his imprisonment under the existing sentence now serving. METZNER, J. (copies issued) |
| 4-22-74 | CIRILLO FIGUEROA - Filed JUDGMENT (atty. present) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of EIGHT (8) YEARS on each of counts (1) and (11) to run concurrently with each other and to commence upon completion of his imprisonment under the existing sentence now served. METZNER, J. (copies issued) |

| DATE | PROCEEDINGS |
|---------|---|
| 4-23-74 | CIRIO RODRIGUEZ CALANA - Filed Personal Recognizance Bond pending appeal in the sum of \$25,000.00 secured by \$3,000. |
| 4-25-74 | HECTOR ECHEVARRIA - Filed CJA 21 Authorization for Transcript from SDCourt Reporters (original mailed to AO Wash.D.C.) |
| 4-25-74 | HUGO CONTERO VIERA - Filed CJA 21 Authorization of Transcript from S.D.Court Reporters (original mailed to AO Wash.D.C.) |
| 4-25-74 | CIRILLO FIGUEROA - Filed CJA 21 Authorization of Transcript from S.D.Court Reporters (original mailed to AO Wash.D.C.) |
| 4-25-74 | JOSE ANGEL AGUILERA - Filed CJA 21 Authorization of Transcript from S.D.Court Reporters (original mailed to AO Wash.D.C.) |
| 4-25-74 | Filed Transcript of record of proceedings dtd 2/6/74. |

INDICTMENT

11

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF NEW YORK

74 CRIM. 18

UNITED STATES OF AMERICA

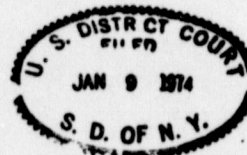
- v -

INDICTMENT

74 Cr.

1. RAUL ORTEGA-ALVAREZ, a/k/a Raul Ortega,
2. CIRO RODRIGUEZ-CALANA, a/k/a Ciro A. Calana, a/k/a Ciro Rodriguez,
FRANCISCA ORTEGA-RODRIGUEZ, a/k/a Francisca Rodriguez, a/k/a "Paca,"
LUIS REYES-PADRON, a/k/a Luis Reyes,
JORGE INPIESTA, a/k/a "Hueso," a/k/a "George,"
3. JOAQUIN R. PRADA, a/k/a "El Gardego," a/k/a "El Gallego,"
4. HECTOR ECHEVARRIA, a/k/a Liborio Morales, a/k/a Hector Aronld Echevarria-Rios,
5. CHARLES BUSIGO-CIFRE, a/k/a Charley Cifre, a/k/a Charley Busigo, a/k/a Cifire,
DOMINGO DEL CRISTO,
6. ARMANDO GARCIA-ALVAREZ, a/k/a Armando Alvarez, a/k/a Armando Garcia, a/k/a Andres Alvarez, a/k/a Joaquin Gonzalez, a/k/a "El Chino,"
7. JOHN DOE, a/k/a "Hugo El Americano," a/k/a Hugo Contero Viera, a/k/a Hugo Viera,
JOSE LUIS SARRIA, a/k/a "Pepito," a/k/a "Pepe," a/k/a Carlos Hernandez,
8. JOHN DOE, a/k/a "Roberto,"
JOSE OTERO, a/k/a "Pepe,"
FRANCISCO ORLANDO PEREZ, a/k/a Francisco Perez, a/k/a "Paco," a/k/a "Jose,"
9. ORLANDO GIL, a/k/a Joaquin Gil, a/k/a Orlando Joaquin Gil, a/k/a Joaquin Orlando Gil y Montero, a/k/a Luis Francisco Gil,
10. CIRILLO FIGUEROA, a/k/a "Lazarito," a/k/a "Lazaro," a/k/a "El Guajiro,"
RIGOBERTO ROSAL-RODRIGUEZ, a/k/a "Blanco Serra," a/k/a "Blanquito Serra," a/k/a "Rigo," a/k/a "Rigo Rosal," a/k/a "Roberto,"
11. JOSE RAMIREZ-RAMOS, a/k/a Jose Ramirez, a/k/a "Chevas,"
JOHN DOE, a/k/a Roberto Lopez,
JOSE ANGEL AGUILERA, a/k/a Jose Alberto Aguilera, a/k/a "El Moro," a/k/a "Mauro," a/k/a "Moscoso,"
CARLOS TAPANES, a/k/a "Charlie,"

Defendants.



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COUNT ONE

The Grand Jury charges:

1. From on or about the first day of December, 1969, and continuously thereafter up to and including on or about

April 30, 1971, in the Southern District of New York and elsewhere,

RAUL ORTEGA-ALVAREZ, a/k/a Raul Ortega,
 CIRO RODRIGUEZ-CALANA, a/k/a Ciro A. Calana, a/k/a Ciro Rodriguez,
 FRANCISCA ORTEGA-RODRIGUEZ, a/k/a Francisca Rodriguez, a/k/a "Paca,"
 LUIS REYES-PADRON, a/k/a Luis Reyes,
 JORGE INPIESTA, a/k/a "Hueso," a/k/a "George,"
 JOAQUIN R. PRADA, a/k/a "El Gardeño," a/k/a "El Gallego,"
 HECTOR ECHEVARRIA, a/k/a Liborio Morales, a/k/a Hector Aronld Echevarria-Rios,
 CHARLES BUSIGO-CIFRE, a/k/a Charley Cifre, a/k/a Charley Busigo, a/k/a Cifire,
 DOMINGO DEL CRISTO,
 ARMANDO GARCIA-ALVAREZ, a/k/a Armando Alvarez, a/k/a Armando Garcia, a/k/a Andres Alvarez, a/k/a Joaquin Gonzalez, a/k/a "El Chino,"
 JOHN DOE, a/k/a "Hugo El Americano," a/k/a Hugo Contero Viera, a/k/a Hugo Viera,
 JOSE LUIS SARRIA, a/k/a "Pepito," a/k/a "Pepe," a/k/a Carlos Hernandez,
 JOHN DOE, a/k/a "Roberto,"
 JOSE OTERO, a/k/a "Pepe,"
 FRANCISCO ORLANDO PEREZ, a/k/a Francisco Perez, a/k/a "Paco," a/k/a "Jose,"
 ORLANDO GIL, a/k/a Joaquin Gil, a/k/a Orlando Joaquin Gil, a/k/a Joaquin Orlando Gil y Montero, a/k/a Luis Francisco Gil,
 CIRILLO FIGUEROA, a/k/a "Lazarito," a/k/a "Lazaro," a/k/a "El Guajiro,"
 RIGOBERTO ROSAL-RODRIGUEZ, a/k/a "Blanco Serra," a/k/a "Blanquito Serra," a/k/a "Riro," a/k/a "Rigo Rosal," a/k/a "Roberto,"
 JOSE RAMIREZ-RAMOS, a/k/a Jose Ramirez, a/k/a "Chevas,"
 JOHN DOE, a/k/a Roberto Lopez,
 JOSE ANGEL AGUILERA, a/k/a Jose Alberto Aguilera, a/k/a "El Moro," a/k/a "Mauro," a/k/a "Moscoso,"
 CARLOS TAPANES, a/k/a "Charlie,"

the defendants, and Ramiro Gonzalez and Miguel Rodriguez, named herein as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully wilfully intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 173 and 174 of Title 21, United States Code and Sections 4701, 4703, 4704(a), 4771(a) and 7237(a) of Title 26, United States Code.

2. It was part of said conspiracy that the said defendants and co-conspirators unlawfully, wilfully and knowingly

would import and bring into the United States large quantities of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown in violation of Sections 173 and 174 of Title 21, United States Code.

3. It was further part of said conspiracy that the said defendants and co-conspirators, unlawfully, wilfully and knowingly would receive, conceal, possess, buy, sell and facilitate the transportation, concealment and sale of large quantities of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Section 173 and 174 of Title 21, United States Code.

4. It was further part of the said conspiracy that the said defendants and co-conspirators unlawfully, wilfully and knowingly would purchase, sell, dispense and distribute a quantity of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown, in that the said narcotic drugs would not be in the original stamped package or from the original stamped package, that is to say, that there would not be affixed to the container in and from which the said defendants would purchase, sell, dispense and distribute the narcotic drugs as aforesaid any United States Internal Revenue Stamps as required by Section 4703 of Title 26, United States Code, in violation of Sections 4701, 4703, 4704(a), and 7237(a) of Title 26, United States Code.

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about March, 1970, the defendant RAUL ORTEGA-ALVAREZ met with co-conspirator Ramiro Gonzalez in Miami, Florida.

2. In or about March, 1970, the defendant RAUL ORTEGA-ALVAREZ and co-conspirator Ramiro Gonzalez flew from Miami, Florida to Newark, New Jersey.

3. On or about March 12, 1970, the defendant RAUL ORTEGA-ALVAREZ registered and stayed in the Saxony Motel, 330 Atlantic Avenue, Elizabeth, New Jersey.

4. On or about March 12, 1970, the defendant RAUL ORTEGA-ALVAREZ and co-conspirator Ramiro Gonzalez met with the defendants CIRO RODRIGUEZ-CALANA and FRANCISCA ORTEGA-RODRIGUEZ at 38 Rankin Street, Elizabeth, New Jersey.

5. On or about March 12, 1970, the defendants JORGE INFIESTA and LUIS REYES-PADRON received approximately one kilogram of heroin from the defendant RAUL ORTEGA-ALVAREZ in an apartment at 666 W. 162nd Street, New York, New York.

6. On or about March 13, 1970, defendant JOAQUIN R. PRADA and co-conspirators Ramiro Gonzalez and Miguel Rodriguez delivered approximately one kilogram of heroin at the C.B.C. Gas Station, 2120 Amsterdam Avenue, New York, New York.

7. On or about March 13, 1970, the defendants RAUL ORTEGA-ALVAREZ, JORGE INFIESTA and LUIS REYES-PADRON met in an apartment at 666 W. 162nd Street, New York, New York.

8. On or about March 16, 1970, the defendant RAUL ORTEGA-ALVAREZ entered Luigi's Restaurant & Bar, 4199 Broadway, New York, New York.

9. On or about March 31, 1970, the defendant CARLOS TAPANES delivered approximately one kilogram of heroin in the parking lot of the Hicksville Diner, Old Country Road and South Oyster Bay Road, Hicksville, Long Island.

10. In or about March, 1970, the defendant RAUL ORTEGA-ALVAREZ delivered approximately one kilogram of heroin to the defendant LUIS REYES-PADRON at 38 Rankin Street, Elizabeth, New Jersey.

11. In or about March or April, 1970, the defendant RAUL ORTEGA-ALVAREZ delivered approximately two kilograms of heroin to the defendants JORGE INFIESTA and LUIS REYES-PADRON in an apartment at 666 W. 162nd Street, New York, New York.

12. In or about March, 1970, co-conspirators Ramiro Gonzalez and Miguel Rodriguez met with the defendants FRANCISCO ORLANDO PEREZ and ORLANDO GIL.

13. On or about March 24, 1970, the defendants FRANCISCO ORLANDO PEREZ and ORLANDO GIL met at 572 W. 173rd Street, New York, New York.

14. On or about March 24, 1970 the defendant FRANCISCO ORLANDO PEREZ went to the Blue Mirror Bar, 3347 Broadway, New York, New York.

15. In or about March or April, 1970, the defendant HECTOR ECHEVARRIA received approximately 1/2 kilogram of heroin at 380 Audubon Avenue, New York, New York.

16. In or about March or April, 1970, co-conspirators Ramiro Gonzalez and Miguel Rodriguez had a conversation with the defendant CHARLES BUSIGO-CIFRE in the vicinity of the C.B.C. Gas Station, 2120 Amsterdam Avenue, New York, New York.

17. In or about March or April 1970, co-conspirators Ramiro Gonzalez and Miguel Rodriguez delivered approximately 1/2 kilogram of heroin for the defendant CHARLES BUSIGO-CIFRE to John Doe in the vicinity of the C.B.C. Gas Station 2120 Amsterdam Avenue, New York, New York.

18. In or about March or April, 1970, the defendant JOAQUIN R. PRADA received a sum of cash from the defendant CHARLES BUSIGO-CIFRE.

19. In or about March or April, 1970, the defendants CHARLES BUSIGO-CIFRE and HECTOR ECHEVARRIA met at 380 Audubon Avenue, New York, New York.

20. In or about March or April, 1970, co-conspirator Ramiro Gonzalez met with the defendant DOMINGO DEL CRISTO at the Gallo de Maron bar, 3922 Broadway, New York, New York.

21. In or about March or April, 1970, the defendants ARMANDO GARCIA-ALVAREZ and JOHN DOE, a/k/a "Hugo El Americano" met at a bar in the Alamac Hotel, A & B Bar and Lounge, 2056 Broadway, New York, New York.

22. In or about March or April, 1970, the defendant ARMANDO GARCIA-ALVAREZ met with co-conspirator Ramiro Gonzalez in Miami, Florida.

23. In or about March or April, 1970, the defendant JOHN DOE, a/k/a "Hugo El Americano" received approximately two kilograms of heroin in an apartment at 804 W. 180th Street, New York, New York.

24. In or about March or April, 1970, the defendant RAUL ORTEGA-ALVAREZ and co-conspirators Ramiro Gonzalez and Miguel Rodriguez delivered one kilogram of heroin to the defendant ARMANDO GARCIA-ALVAREZ in the vicinity of 158th Street and Broadway, New York, New York.

25. In or about March or April, 1970, the defendants JOSE LUIS SARRIA and JOHN DOE, a/k/a "Roberto" received approximately 1 1/2 kilograms of heroin in Hudson County, New Jersey.

26. In or about March or April, 1970, co-conspirator Ramiro Gonzalez met with the defendant JOSE OTERO at the Gallo de Maron bar, 3922 Broadway, New York, New York.

27. In or about March, of April, 1970, the defendant JOSE OTERO received approximately one kilogram of heroin in the vicinity of the Cuba Bar, 1475 St. Nicholas Avenue, New York, New York.

28. In or about March or April, 1970, co-conspirators Ramiro Gonzalez and Miguel Rodriguez met with the defendant CIRILLO FIGUEROA at the 005 Bar, 3865 Broadway, New York, New York.

29. In or about March or April, 1970, co-conspirator Ramiro Gonzalez delivered approximately one kilogram of heroin for the defendant CIRILLO FIGUEROA to John Doe in an apartment at 804 W. 180th Street, New York, New York.

30. In or about March or April, 1970, co-conspirator Miguel Rodriguez delivered approximately one kilogram of heroin for the defendant CIRILLO FIGUEROA to the defendant RIGOBERTO ROSAL-RODRIGUEZ at the C.B.C. Gas Station, 2120 Amsterdam Avenue, New York, New York.

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31. In or about March or April, 1970, the defendant CARLOS TAPANES delivered one kilogram of heroin to the defendant CIRILLO FIGUEROA in the vicinity of 145th Street and Broadway, New York, New York.

32. In or about March or April, 1970, the defendant JOAQUIN R. PRADA handed 1 1/2 kilograms of heroin to the defendant CIRILLO FIGUEROA in an apartment at 790 Riverside Drive, New York, New York.

33. In or about March or April, 1970, the defendant JOSE RAMIREZ-RIOS received approximately 1/2 kilogram of heroin at the El Bayames Restaurant, 1279 St. Nicholas Avenue, New York, New York.

34. In or about March or April, 1970, the defendant JOHN DOE, a/k/a Roberto Lopez, received approximately 1/2 kilogram of heroin at the Gallo de Maron bar, 3924 Broadway, New York, New York.

35. In or about March or April, 1970, the defendant JOSE ANGEL AGUILARA transported 1/2 kilogram of heroin from Elizabeth, New Jersey, to New York, New York.

(Title 21, United States Code, Sections 173 and 174 .
and Title 26, United States Code, Sections 4701,
4703, 4704(a), 4771(a) and 7237(a).)

COUNT TWO

The Grand Jury further charges:

On or about March 12, 1970, in the Southern District of New York, RAUL ORTEGA-ALVAREZ, a/k/a Raul Ortega, and CIRO RODRIGUEZ-CALANA, a/k/a Ciro A. Calana, a/k/a Ciro Rodriguez, the defendants, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately twenty kilograms of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic

drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

In or about the month of March, 1970, in the Southern District of New York, RAUL ORTEGA-ALVAREZ, LUIS REYES-PADRON, a/k/a "Luis Reyes", and JORGE INFUESTA, a/k/a "Hueso", a/k/a "George", the defendants, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately one kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT FOUR

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, HECTOR ECHEVARRIA, a/k/a Liborio Morales, a/k/a Hector Arnold Echevarria-Rios, the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately 1/2 kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary

to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT FIVE

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, CHARLES BUSIGO-CIFRE, a/k/a Charley Cifre, a/k/a Charley Busigo, a/k/a Cifire, the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately one kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT SIX

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, DOMINGO DEL CRISTO, the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately

one kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT SEVEN

The Grand Jury further charges:

In or about the month of March, 1970, in the Southern District of New York, FRANCISCO ORLANDO PEREZ, a/k/a Francisco Perez, a/k/a "Paco", a/k/a "Jose", and ORLANDO GIL, a/k/a Joaquin Gil, a/k/a Orlando Joaquin Gil, a/k/a Joaquin Orlando Gil y Montero, a/k/a Luis Francisco Gil, the defendants, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately 1/4 kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, ARMANDO GARCIA-ALVAREZ, a/k/a Armando Alvarez, a/k/a Armando Garcia, a/k/a Andres Alvarez, a/k/a Joaquin Gonzalez, a/k/a "El Chino", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately six kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT NINE

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, JOHN DOE, a/k/a "Hugo El Americano", a/k/a Hugo Contero Viera, a/k/a Hugo Viera, the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately four kilograms of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director

of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT TEN

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, JOSE LUIS SARRIA, a/k/a "Pepito", a/k/a "Pepe", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately two and one-half kilograms of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT ELEVEN

The Grand Jury further charges:

In or about the months of March and April, 1970, in the Southern District of New York, CIRILLO FIGUEROA, a/k/a "Lazarito", a/k/a "Lazaro", a/k/a "El Guajiro", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately six and one-half kilograms of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had

therefore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT TWELVE

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, JOAQUIN R. PRADA, a/k/a "El Gallego", a/k/a "El Gardego", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately one and one-half kilograms of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT THIRTEEN

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, RIGOBERTO ROSAL-RODRIGUEZ, a/k/a "Blanco Serra", a/k/a "Blanquito Serra",

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a/k/a "Rigo", a/k/a "Rigo Rosal", a/k/a "Roberto", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately one kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT FOURTEEN

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, JOSE OTERO, a/k/a "Pepé", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately one kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

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COUNT FIFTEEN

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, JOSE RAMIREZ-RAMOS, a/k/a Jose Ramirez, a/k/a "Chevas", the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately 1/2 kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174 and Title 18, United States Code, Section 2.)

COUNT SIXTEEN

The Grand Jury further charges:

In or about the month of March or April, 1970, in the Southern District of New York, JOHN DOE, a/k/a Roberto Lopez, the defendant, unlawfully, wilfully and knowingly did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a narcotic drug, to wit, approximately 1/2 kilogram of heroin, after the said narcotic drug had been imported and brought into the United States contrary to law, knowing that the said narcotic drug had theretofore been imported and brought into the United States contrary to law in that the importation and bringing of any narcotic drug into the United States, except such amounts of crude opium and coca leaves as the Director of the Bureau of Narcotics and Dangerous Drugs finds to be necessary to provide for medical and

(Title 21, United States Code, Sections 173 and 174
and Title 18, United States Code, Section 2.)

COUNT SEVENTEEN

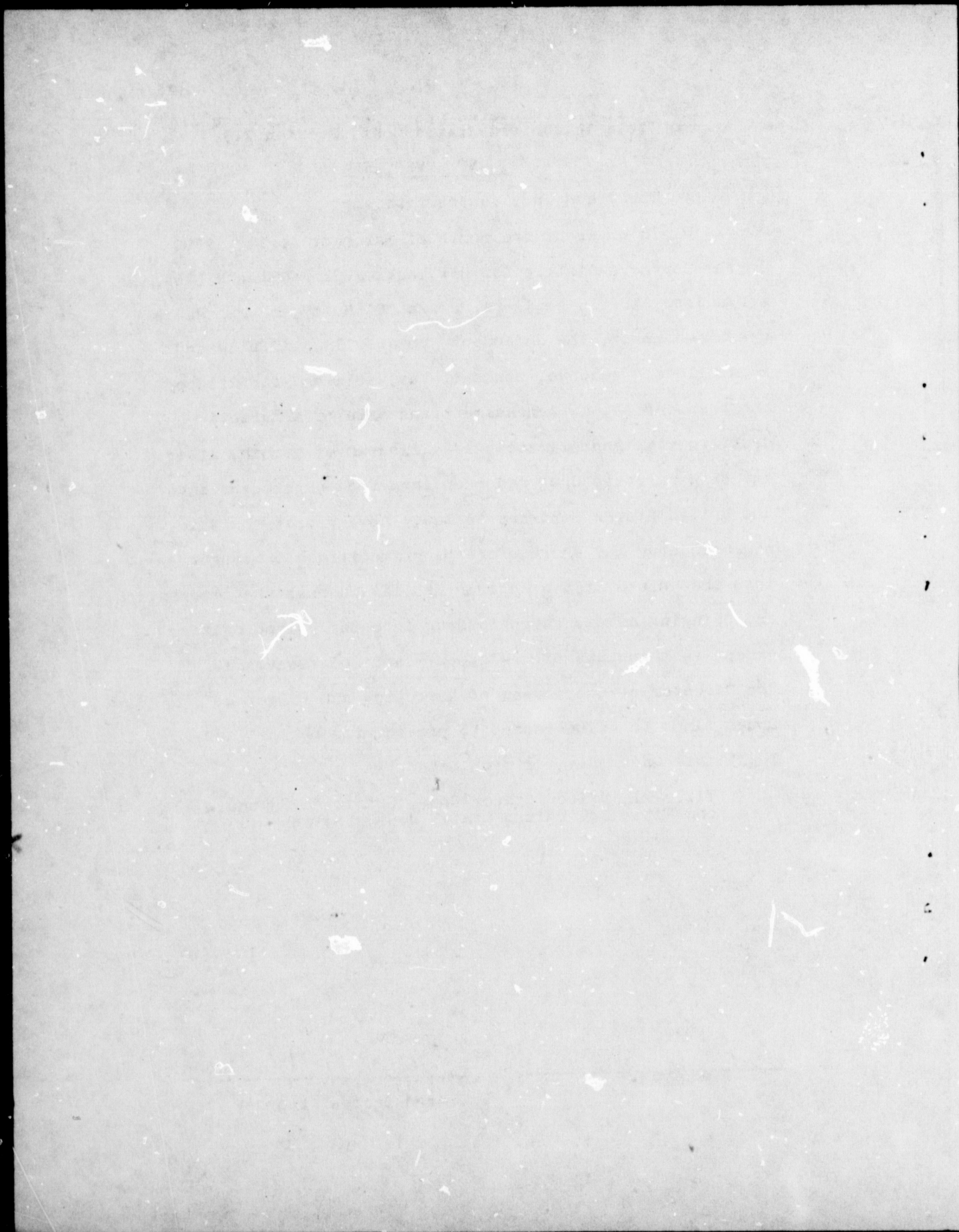
The Grand Jury further charges:

In or about the month of March or April, 1970,
in the Southern District of New York, JOSE ANGEL AGUILERA,
a/k/a Jose Alberto Aguilera, a/k/a "El Moro", a/k/a "Mauro",
a/k/a "Moscoso", the defendant, unlawfully, wilfully and
knowingly did receive, conceal, buy, sell and facilitate
the transportation, concealment and sale of a narcotic
drug, to wit, approximately 1/2 kilogram of heroin, after
the said narcotic drug had been imported and brought into
the United States contrary to law, knowing that the said
narcotic drug had theretofore been imported and brought
into the United States contrary to law in that the importation
and bringing of any narcotic drug into the United States,
except such amounts of crude opium and coca leaves as
the Director of the Bureau of Narcotics and Dangerous
Drugs finds to be necessary to provide for medical and
legitimate uses only, is prohibited.

(Title 21, United States Code, Sections 173 and 174
and Title 18, United States Code, Section 2.)

Richard S. Sledge
FOREMAN

Paul J. Curran
PAUL J. CURRAN
United States Attorney



AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK,
COUNTY OF RICHMOND ss.:

EDWARD BAILEY being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the day of , 19 at No. 11 July deponent served upon ~~the~~ ^{within} ~~the~~ ^{Appendix} ~~U.S. Atty. for Southern Dist. of N.Y.~~ ^{herein by delivering a true} ~~cop~~ ^{Appellee} ~~h~~ personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

~~Appellee~~
Sworn to before me,
this day of 19
11 July 74

Edward Bailey
.....
Edward Bailey

William Bailey
.....
WILLIAM BAILEY

Notary Public, State of New York
No. 43-0132945
Qualified in Richmond County
Commission Expires March 30, 1975